

ANALYSIS

This ordinance amends Section 21.32.200 of Title 21 – Subdivisions of the Los Angeles County Code related to bridge and major thoroughfare construction fees, as follows:

- Expands the definition of the term "construction," and makes other grammatical changes, to conform with recent changes in State law; and
- Corrects an erroneous statutory reference.

ANDREA SHERIDAN ORDIN
County Counsel

By



MARK T. YANAI
Principal Deputy County Counsel
Property Division

MTY:vn

03/08/11 (Requested)

05/20/11 (Revised)

ORDINANCE NO. 2011-0063

An ordinance amending Section 21.32.200 of Title 21 - Subdivisions of the Los Angeles County Code related to bridge and major thoroughfare construction fees.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 21.32.200 is hereby amended to read as follows:

21.32.200 Major ~~t~~Thoroughfare and ~~b~~Bridge ~~f~~Fees.

...

B. Definitions.

1. "Administrative expenses" means those office, personnel, and other customary and normal expenses associated with the direct management and administration of the County, but not including costs of construction;

42. "Area of benefit" means a specified area wherein it has been determined that the real property located therein will benefit from the construction of a bridge and/or major thoroughfare;

23. "Bridge facilities" means any crossing for a highway or local road, involving a railway, freeway, stream, or canyon, which is required by the General Plan in order to accommodate new urban development within the area of benefit;

34. "Construction" means and includes preliminary studies, design, acquisition of right-of-way, administration of construction contracts, and actual construction, including, but not limited to, all direct and indirect environmental, engineering, accounting, legal, administration of construction contracts, and other services necessary therefore. The term "construction" also includes reasonable

administrative expenses, not exceeding three hundred thousand dollars (\$300,000) in any calendar year after January 1, 1986, as adjusted annually for any increase or decrease in the Consumer Price Index of the Bureau of Labor Statistics of the United States Department of Labor for all Urban Consumers, Los Angeles-Long Beach-Anaheim, California (1967 = 100), as published by the United States Department of Commerce for the purpose of constructing bridges and major thoroughfares.

...

F. 1. Action to establish an area of benefit may be initiated by the ~~b~~Board of ~~s~~Supervisors upon its own motion or upon the recommendation of the ~~r~~Road ~~e~~Commissioner~~;~~_i

2. The ~~b~~Board of ~~s~~Supervisors will set a public hearing for each proposed area benefited. Notice of the time and place of said hearing, including preliminary information related to the boundaries of the area of benefit, estimated costs, and the method of fee apportionment, shall be given pursuant to Section ~~65905~~65091 of the Government Code~~;~~_i

...

H. Fees paid pursuant to this ~~s~~Section shall be deposited in a planned bridge facility and/or major thoroughfare fund. A fund shall be established for each planned bridge facility project and/or each planned major thoroughfare project. If the benefit area is one in which more than one bridge and/or major thoroughfare is required to be constructed, a ~~separate~~ fund may be established covering all of the bridge ~~projects~~ and/or major thoroughfares projects in the benefit area. Money~~ies~~y in such fund shall be

expended solely for the construction or reimbursement for construction of the improvement or improvements serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the eCounty for the costs of constructing the improvement or improvements.

. . .

K. If a subdivider, as a condition of approval of a subdivision, is required or desires to construct a bridge and/or major thoroughfare, the ~~h~~Board of ~~s~~Supervisors may enter into a reimbursement agreement with the subdivider. Such agreement may provide for payments to the subdivider from the bridge facility and/or major thoroughfare fund covering that specific project to reimburse the subdivider for costs not allocated to the subdivider's property ~~in the resolution establishing the area of benefit~~. If the bridge facility and/or major thoroughfare fund covers more than one project, reimbursements shall be made on a pro rata basis, reflecting the actual or estimated costs of the projects covered by the fund.

[2132200MYCC]

SECTION 2. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mike Antonovich

Mayor

ATTEST:

Sachi A. Hamai

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of November 15, 2011 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Gloria Molina
Mark Ridley-Thomas
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich

Noes

Supervisors None

Effective Date: December 15, 2011

Operative Date:

Sachi A. Hamai

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By *Antal*
Deputy



APPROVED AS TO FORM:
ANDREA SHERIDAN ORDIN
County Counsel

By *Leela Kapur*
Leela Kapur

Chief Deputy County Counsel